

REMARKS

This Amendment After Final Rejection is submitted in response to the outstanding final Office Action, dated April 7, 2005. The present application was filed on August 22, 2001 with claims 1 through 23. New claims 24-27 were added in the Amendment and Response to Office Action dated January 4, 2005. Claims 1 through 27 are presently pending in the above-identified patent application. Claims 1, 9, 15, and 18-23 are proposed to be amended, claim 14 is proposed to be cancelled, and new claim 28 is proposed to be added herein. An RCE is also submitted herewith

This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims following entry of the amendments, i.e., claims 1-13 and 15-28, in a form that is believed allowable, and, in any event, in a better form for appeal. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any substantial burden on the Examiner.

In the Office Action, the Examiner rejected claims 1-13 and 15-23 under 35 U.S.C. §102(e) as being anticipated by Carter et al. (United States Patent Number 6,026,474) and rejected claims 14 and 24-27 under 35 U.S.C. §103(a) as being unpatentable over Carter et al. in view of Humphrey (United States Patent Application Number 2002/0129116).

Independent Claims 1, 9, 15 and 18-23

Independent claims 1, 9, 15, and 18-23 were rejected under 35 U.S.C. §102(e) as being anticipated by Carter et al. Regarding claim 1, the Examiner asserts that Carter discloses receiving content broadcast to a client (col. 27, lines 65-66) and storing said received content in said client-side cache (col. 28, lines 7-10). In the Response to Arguments section, the Examiner asserts that 1) Applicants' arguments do not comply with 37 CFR 1.111(c), 2) the Humphrey reference was merely used to show that broadcasting data over a broadcast connection to a cache was well known in the art at the time of the invention (not that broadcasting data was well known), and 3) that a client is any computing device connected to a network.

Applicants note that, as the Examiner acknowledges in rejecting claim 14, Carter does not disclose that client caches obtain content over a *broadcast connection*.

The Examiner asserts, however, that this concept is well known, as evidenced by Humphrey.

Humphrey defines clients on two levels: (1) Internet Service Providers and corporate customers (elements 12a-c of FIG. 1); and (2) clients or internet participants who are clients of the Internet Service Providers and corporate customers (elements 13a-h of FIG. 1; see, paragraph 40). The information broadcast by Humphrey, however, is sent only to the level 1 Internet Service Providers and corporate customers (elements 25a-c of FIG. 2; paragraph 44). Users 13 who actually request and receive content are considered level 2 clients (paragraph 40) and, as shown in FIG. 1, users 13 do not receive the content via a broadcast mechanism. In the present invention, however, the content is *broadcast to an Internet client who is a user*, and stored in a *client-side cache, such as in the user PC 300* shown in FIGS. 1, 2, and 3. Independent claims 1, 9, 15, and 18-23 have been amended to require content broadcast to a client *via a wireless broadcast connection* and to require wherein said client is a machine *that serves one or more users on a local area network*. Support for this amendment can be found on page 7, lines 1-7, and the first paragraph of the detailed description in the originally filed disclosure.

Thus, Carter et al. and Humphrey, alone or in combination, do not disclose or suggest content broadcast to a client via a wireless broadcast connection, wherein said client is a machine that serves one or more users on a local area network, as required by independent claims 1, 9, 15, and 18-23, as amended.

New Claim 28

New claim 28 has been added to more particularly point out and distinctly claim various features of the invention, consistent with the scope of the originally filed specification, in order to give applicant the protection to which he is entitled. No new matter is introduced. Support for this material is set forth at page 7, lines 1-7 of the originally filed specification. More specifically, claim 28 requires receiving content broadcast to a client via a wireless broadcast connection, wherein said client is a machine that serves one or more users on a local area network and wherein said client is tuned to receive said wireless broadcast connection *via a digital television channel*.

Applicants note that digital television channels are typically utilized to broadcast television video programming. The present invention recognizes that the

ability of digital television to download digital content to a large number of users over a single, high-bandwidth channel makes it suitable for reducing the network traffic on traditional wired, point-to-point networks, e.g., the Internet, by broadcasting such traffic via the digital television channel. This solution can alleviate the network congestion problems experienced by Internet users and solves a problem that has plagued the industry for many years. Applicants also note that neither Carter or Humphrey disclose or suggest receiving content broadcast to a client via a wireless broadcast connection, wherein the client is tuned to receive the wireless broadcast connection *via a digital television channel*.

Thus, Carter et al. and Humphrey, alone or in combination, do not disclose or suggest wherein said client is tuned to receive said wireless broadcast connection via a digital television channel, as required by new independent claim 28.

Allowance of claim 28 is believed to be warranted.

Dependent Claims 2-8, 10-14, 16-17 and 24-27

Dependent claims 2-8, 10-13, and 16-17 were rejected under 35 U.S.C. §102(e) as being anticipated by Carter et al. and claims 14 and 24-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Carter et al. in view of Humphrey.

Claims 2-8 and 24-25, claims 10-14 and 26-27, and claims 16-17 are dependent on claims 1, 9, and 15, respectively, and are therefore patentably distinguished over Carter et al. and Humphrey (alone or in any combination) because of their dependency from amended independent claims 1, 9, and 15 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-27, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



5 Date: April 15, 2005

Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
10 1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560